

**EXHIBIT C**

**G. Smolker E-Mail Correspondence to R. Higgins, dated June 3, 2021**

## **Roger Higgins**

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**From:** Gary Smolker <gsmolker@aol.com>  
**Sent:** Thursday, June 3, 2021 5:31 PM  
**To:** Roger Higgins; ljones@pszjlaw.com; joneill@pszjlaw.com  
**Subject:** OBJECTION TO GRACE SUBMITTING A SECOND EX PARTE LETTER TO JUDGE STARK

Case Name: In re: W.R. Grace & Co., et al.

Case Number: 1:21-cv-00460-LPS

June 3, 2021

Ms. Jones, Mr. O'Neill, and Mr. Higgins

It is my position that the letter Mr. Higgins sent to Judge Stark two days ago (June 1, 2021) was an improper ex-parte communication with Judge Stark and the letter you intend to send to Judge Stark tomorrow will be another improper ex parte communication with Judge Stark.

It is also my position that you violated various ethical rules set forth in the American Bar Association's Model Rules of Professional Conduct.

I outlined which rules of professional conduct you violated by sending your June 1, 2021 letter to Judge Stark in my letter to you dated June 2, 2021.

If you insist on having ex parte communications with Judge Stark, please at least don't mislead Judge Stark, and please fully inform Judge Stark of the facts I have presented to you and the requests I have made to you and to the State Farm Claims Adjuster and to my Landlord Dash Senter and the Property Manager Heather Miller, and to the Board of Directors of the HOA.

If you wish to send me a copy of the ex parte communication letter you intend to present to Judge Stark tomorrow, I will try to find time to look it over and give you my comments regarding its accuracy and full presentation of facts and laws before you present it to Judge Stark.

You do not have my permission to have further ex parte communication with Judge Stark. It is my position that if you send Judge Stark the letter you intend to send him tomorrow that will constitute unethical conduct.

In my stand still agreement proposal I proposed to take my motion for sanctions scheduled to be heard on June 24 off calendar if you agreed to my proposal. You did not agree to my proposal.

Mr. Higgins told me I had to have already filed my motion. Thinking about our conversation after our meeting I now want to research whether that is true. Please provide me with legal authority for that representation.

If there is no authority for that I will add it to the list of unethical conduct on your part and GRACE'S part that I am compiling.

My offer to take my motion for sanctions scheduled presently to take place on June 24 "off calendar" is off the table.

Have a nice evening.

Very truly yours,

Gary Smolker, Appellant In Pro Per

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Gary Smolker, Appellant In Pro Per

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